

R E M A R K S

The preceding amendments and following remarks are submitted in response to the Official Action of the Examiner mailed March 31, 2003. Claims 1 and 3-27 remain pending. Claim 2 is canceled without prejudice, and claims 23-27 are newly presented. Reconsideration, examination and allowance of all pending claims are respectfully requested.

As a preliminary matter, Applicant submitted two supplemental IDSs on May 6, 2003. Applicant respectfully requests that the Examiner consider these references, and provide initialed copies of the FORM-1449s filed therewith in due course.

Applicant is filing herewith a supplemental IDS, which includes the prior art cited by the Examiner (FORM-892) in co-pending U.S. Patent Application Serial Nos. 10/074,356, 10/074,362 and 10/074,364. Applicant respectfully requests that the Examiner consider the cited art, initial the enclosed FORM-1449, and provide an initialed copy of the FORM-1449 to Applicant in due course.

In paragraph 1 of the Office Action, the Examiner states that the title of the invention is not descriptive. In response, Applicant has changed the title to "ELONGATED ILLUMINATION DEVICE WITH SUPPORTS", as the Examiner suggests.

In paragraph 2 of the Office Action, the Examiner objected to the disclosure because the abstract is not in the proper format. In response, Applicant has amended the Abstract to be in the proper format.

In paragraph 7 of the Office Action, the Examiner indicated that claims 2-4 are objected

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to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the limitations of dependent claim 2, and dependent claim 2 has been canceled without prejudice. Dependent claims 3-4 have been amended to depend from claim 1. In view of the foregoing, claim 1 is believed to be in condition for allowance. For similar and other reasons, dependent claims 3-10 are also believed to be in condition for allowance.

In paragraph 3 of the Office Action, the Examiner rejected claims 1, 5-8, 10-14, 18, 19 and 22 under 35 U.S.C. §102(b) as being anticipated by Dealey et al. (U.S. Patent No. 5,678,914). As noted above, claims 1 and 3-10 are believed to be in condition for allowance. With respect to claim 11, claim 11 recites:

11. (Original) A lighting apparatus for receiving an elongated light source, comprising:
an elongated member having a cavity for receiving the elongated light source, the elongated member having one or more legs each with one or more substrate engagers, wherein the one or more substrate engagers are adapted to engage a back side of the substrate after the one or more legs are inserted through a hole in the substrate.

As can be seen, claim 11 recites that the elongated member has one or more legs each with one or more substrate engagers, wherein the one or more substrate engagers are adapted to engage a back side of the substrate after the one or more legs are inserted through a hole in the substrate (Emphasis Added). One illustrative embodiment of the substrate engagers is shown in Figure 44 of the present specification, which is reproduced below for the convenience of the Examiner:

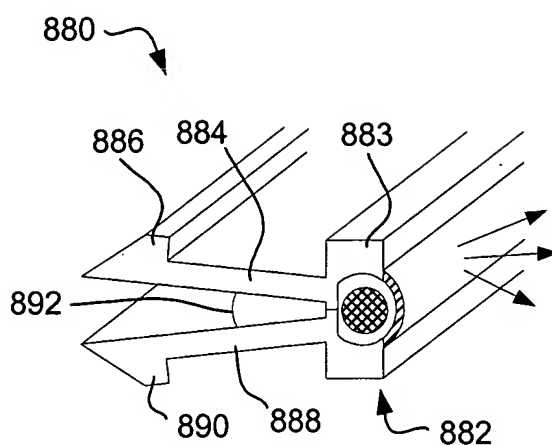


FIG. 44

As can be seen, in the illustrative embodiment of Figure 44, the body 882 includes a main body portion 883, a first leg 884 with a first tooth 886, and a second leg 888 with a second tooth 890.

Figure 46 shows a cross-sectional side view of an illustrative lighting apparatus with a first leg 896 and a second leg 898 inserted through a substrate 902. Figure 46 is reproduced below for the convenience of the Examiner:

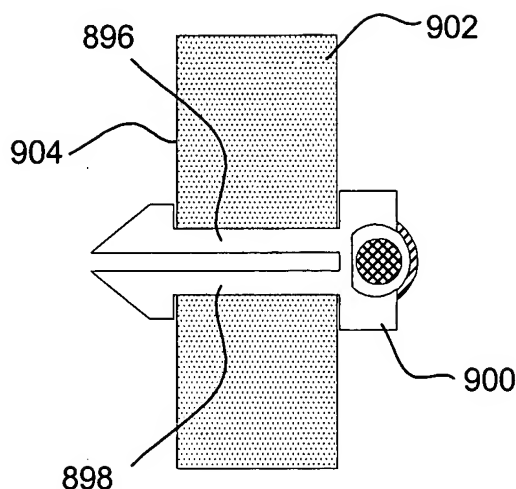


FIG. 46

As noted in the present specification:

As the first leg 896 and the second leg 898 are pushed through a hole in the substrate 902, the first leg 896 and the second leg 898 are forced closer together, which may temporarily elastically deforming the first leg 896 and the second leg 898.

Once the teeth reach the backside 904 of the substrate 902, the first leg 896 and the second leg 898 separate and the teeth engage the backside 904 of the substrate 902 as shown. This may help secure the illustrative lighting apparatus to the substrate 902. The substrate may be any type of substrate including, for example, wall board, plywood, cement, fiberglass, metal, or any other type of substrate, as desired.

(Emphasis Added)(Specification, page 44, lines 12-19). On the top of page 4 of the Office Action, it appears that the Examiner is equating the threaded fasteners (e.g. screws) shown in Figure 3 of Dealey et al. with the one or more substrate engagers recited in claim 11. However, as shown in Figure 3 of Dealey et al., and for obvious reasons, the threaded fasteners do not extend to the back side of the substrate, and therefore cannot engage the back side of the substrate. In view thereof, claim 11 is believed to be clearly patentable over Dealey et al.

Now turning to claim 12. Claim 12 recites:

12. (Currently Amended) A lighting apparatus for receiving an elongated light source, comprising:

an elongated body having an upper surface and one or more other surfaces, the elongated body further having a cavity for receiving the elongated light source, wherein the cavity is at least partially defined by a material that is at least partially transparent which extends from the cavity to the upper surface of the elongated member and a second material that is substantially non-transparent; and

one or more legs that extend out from one or more of the other surfaces of the elongated body.

As can be seen, claim 12 now recites that the cavity is at least partially defined by a material that is at least partially transparent which extends from the cavity to the upper surface of the elongated member and a second material that is substantially non-transparent. Thus, for similar reasons to those give above with respect to claim 1, as well as other reasons, claim 12 is believed to be in condition for allowance. For similar and other reasons, dependent claims 13-17 are also believed to be in condition for allowance.

Turning now to claim 18. As noted above, and on the top of page 4 of the Office Action, the Examiner appears to be equating the threaded fasteners (e.g. screws) shown in Figure 3 of Dealey et al. with the one or more legs that extend out into the substrate to help secure the elongated member to the substrate, as recited in claim 18. To provide further clarity, claim 18 has been amended to recite:

18. (Currently Amended) A lighting apparatus for a substrate, comprising:

an elongated member adapted to be positioned in or adjacent to the substrate, the elongated member having a cavity for receiving the elongated light source, and one or more integrally formed legs that extend out from the elongated member and into the substrate to help secure the elongated member to the substrate.

As can be seen, claim 18 now recites that the elongated member includes one or more integrally formed legs that extend from the elongated member and into the substrate to help secure the elongated member to the substrate. The threaded fasteners shown in Figure 3 of Dealey et al. (e.g. screws) are clearly not integrally formed with the elongated member. Further, there would be no motivation whatsoever to substitute the threaded fasteners of Dealey et al. with one or more integrally formed legs, because the threaded fasteners of Dealey et al. (e.g. screws) must be separate from the elongated mounting flanges (e.g. 102) for the screws to be rotated and screwed into the side walls 24. For these and other reasons, claim 18 is believed to be clearly patentable over Dealey et al. For similar and other reasons, dependent claims 19-22 are also believed to be clearly patentable over Dealey et al.

In paragraph 4 of the Office Action, the Examiner rejected claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Dealey et al. (U.S. Patent No. 5,678,914) in view of Dealey, Jr. et al. (U.S. Patent No. 6,125,586). The Examiner states that Dealey et al. suggests all of the limitations of the claims, except a removable portion made of a material that is less elastomeric than the material of the elongated member, wherein the removable portion is selectively removable from the elongated member. The Examiner then states that Dealey, Jr. et al. suggest an illumination device having an elongated member for receiving an elongated light source, wherein the elongated member includes a tubular pin 150 (citing Figure 5 of Dealey, Jr. et al.) for aligning consecutive members. The Examiner concluded that it would have been obvious to include the cylindrical pin of Dealey, Jr. et al. in the device of Dealey et al. to provide for an easy

way to align consecutive members, as suggested by Dealey, Jr. et al.

For the reasons discussed above with respect to independent claim 12, dependent claim 15 is also believed to be in condition for allowance. In addition, however, Applicant must respectfully disagree with the Examiner's rejection of dependent claim 15. Claim 15 recites:

15. (Original) A lighting apparatus according to claim 12 wherein the elongated body includes a removable portion that includes the cavity, the removable portion being adapted to be selectively removable from the remainder of the elongated body.

(Emphasis Added). As can be seen, claim 15 recites that the elongated body includes a removable portion that includes the cavity. Claim 15 is dependent from claim 12. Originally presented claim 12 recited that the elongated body includes "a cavity for receiving the elongated light source". Thus, claim 15 recites that the removable portion includes a cavity, and the cavity is for "receiving the elongated light source". As noted above, the Examiner appears to be equating the tubular pin 150 of Dealey, Jr. et al. with the removable portion recited in claim 15. However, the tubular pin 150 of Dealey, Jr. et al. clearly does not provide a removable portion that includes a cavity, wherein the cavity is for "receiving the elongated light source", as recited in claim 15. To help clearly show this, Figure 3 of Dealey Jr., et al. is reproduced below:

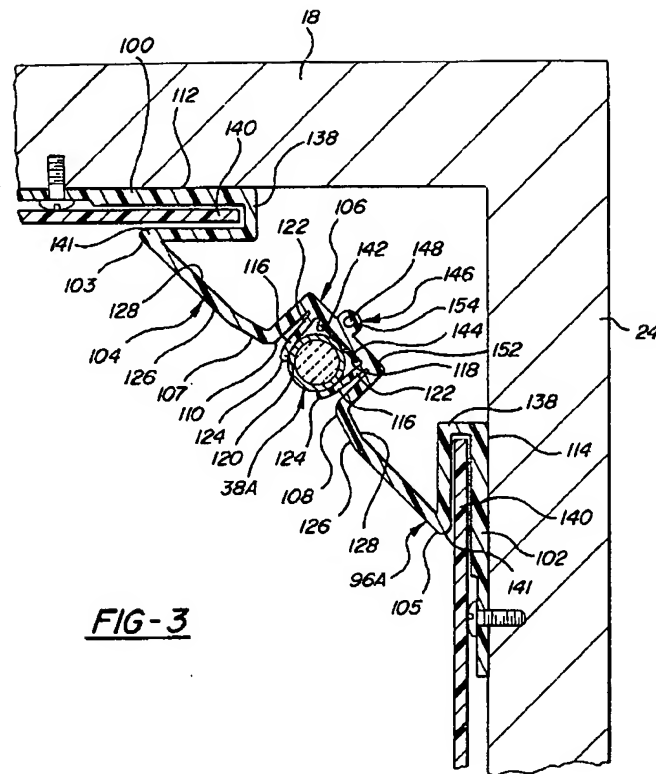


FIG-3

Dealey Jr., et al. state:

As is best shown in FIGS. 3 and 4, the pin receptacle 148 of each enclosure segment 96A, 96B comprises a hollow tubular rib 154 integrally extending from along the entire length of a back outer surface 152 of the channel 106 of each enclosure segment 96A, 96B. The pin 150 is generally cylindrical in shape and has a diameter generally equal to an inner diameter of the receptacles 148. However, in other embodiments the pin 150 may have a diameter slightly greater than the inner diameter of the receptacles 148 to provide an interference fit between pin 150 and at least one of the receptacles 148. In addition, other embodiments may include ribs 154 that, rather than extending the entire length of their respective enclosure segments, extend only a sufficient distance along their respective enclosure segment to accommodate a pin.

(Emphasis Added)(Dealey Jr., et al., column 9, lines 8-22). As can clearly be seen, the tubular pin 150 of Dealey, Jr. et al. does not provide a removable portion that includes a cavity, wherein

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the cavity is for “receiving the elongated light source”, as recited in claim 15. For these and other reasons, claim 15 is believed to be clearly patentable over Dealey et al. (U.S. Patent No. 5,678,914) in view of Dealey, Jr. et al. (U.S. Patent No. 6,125,586). For similar and other reasons, dependent claims 16-17 are also believed to be clearly patentable over Dealey et al. (U.S. Patent No. 5,678,914) in view of Dealey, Jr. et al. (U.S. Patent No. 6,125,586).

In paragraph 5 of the Office Action, the Examiner rejected claims 9 and 21 under 35 U.S.C. §102(b) as being anticipated by Dealey et al. The Examiner states that Dealey et al. suggests all of the limitations of the claims, except the elongated light source being an electroluminescent wire (ELEW). For the reasons set forth above with respect to the corresponding independent claims, as well as other reasons, dependent claims 9 and 21 are also believed to be in condition for allowance. In addition, however, Applicant does not agree that it would have been obvious to substitute an electroluminescent wire (ELEW) for the light source in the system of Dealey et al. Dealey et al. appear to teach to provide the light source outside of the cargo space, and using a light pipe to direct the externally generated light into the cargo space. The use of ELEW would generate light internal to the cargo space. As such, there would appear to be little motivation to substitute an electroluminescent wire (ELEW) for the light source in the system of Dealey et al.

Applicant has also added newly presented claims 23-27. Newly Presented claim 23 recites:

23. (Newly Presented) A lighting apparatus for receiving an elongated light source, comprising:
an elongated member having a cavity for receiving the elongated light source,

the cavity being at least partially defined by a first material that is at least partially transparent and extends from the cavity to an outer surface of the elongated member, the elongated member further including a non-transparent material that extends between the cavity and an outer surface of the elongated member.

In paragraph 8 of the Office Action, the Examiner states that no prior art was found teaching individually, or suggesting in combination, all of the features of the applicant's invention, specifically the elongated member including a partially transparent material and a substantially non-transparent material. Applicant agrees. Dealey et al. clearly suggests forming the entire enclosure 96A with a light transmissive material. For example, Dealey et al. state:

Enclosure section 96A is made of light transmissive material to allow laterally-emitted light from light pipe 38A to pass into the cargo space.

The light transmissive material forms a light-transmitting panel 104 that is shaped to form a tubular conduit 106 for supporting the light pipe 38A. The conduit 106 includes an elongated longitudinally-oriented slot 108. To install light pipe 38A in enclosure section 96A, an installer need only snap the length of light pipe 38A through the elongated slot 108 and into the tubular conduit 106.

Mounting flanges 100, 102 project in radially opposite directions from one another and integrally extend from the tubular conduit 106 of each enclosure segment on opposite sides of the longitudinal slot 108. The flanges 100, 102 are bent, along their lengths, so that they extend outward at a right angle to one another.

Enclosure section 96A is integrally extruded from a single piece of light-transmissive optical material so as to have an elongated shape of a uniform cross-section along its length. The tubular conduit 106 formed by the light-transmitting panel 104 includes a plurality of elongated parallel light-dispersion grooves 110. The grooves 110 perform the dual function of dispersing light, and hiding scratch marks that often form during the extrusion process.

(Emphasis Added)(Dealey et al., column 4, lines 39-63). In view of the foregoing, newly presented claim 23 is believed to be clearly in condition for allowance.

Newly presented claim 24 recites:

24. (Newly Presented) A lighting apparatus for receiving an elongated light source, comprising:

an elongated member having a cavity for receiving the elongated light source, the cavity being at least partially defined by a first material that is at least partially transparent and extends from the cavity to an outer surface of the elongated member, the elongated member having one or more legs that are adapted to secure the elongated member to a substrate, selected legs having one or more teeth that extend laterally away from the selected legs, each tooth being adapted to engage a back side of the substrate after the selected legs are inserted through a hole in the substrate.

(Emphasis Added). Thus, for similar reasons to those discussed above with respect to claim 11, as well as other reasons, newly presented claim 24 is believed to be clearly in condition for allowance. For similar and other reasons, newly presented dependent claim 25 is also believed to be clearly in condition for allowance.

Newly presented claim 26 recites:

26. (Newly Presented) A lighting apparatus for receiving an elongated light source, comprising:
an elongated member having a cavity for receiving the elongated light source, the cavity being at least partially defined by a first material that is at least partially transparent and extends from the cavity to an outer surface of the elongated member, the elongated member having one or more integral legs that are adapted to secure the elongated member to a substrate, wherein the one or more integral legs are spaced at intervals along the length of the elongated member.

As can be seen, newly presented claim 26 recites that the one or more integral legs are spaced at intervals along the length of the elongated member. Newly presented claim 26 is supported at, for example, Figure 45 of the present specification. Figure 45 is reproduced below for the convenience of the Examiner:

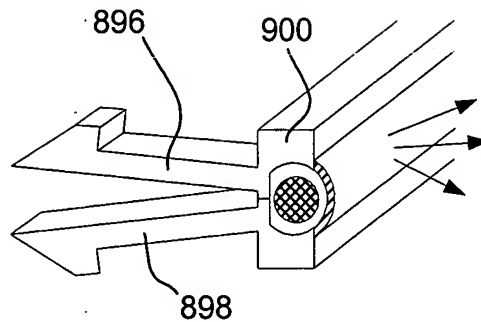


FIG. 45

The present specification states:

Figure 45 is a cross-sectional side view of another illustrative lighting apparatus with one or more legs for securing the lighting apparatus to a substrate. This illustrative embodiment is similar to the embodiment shown in Figure 44, except the first leg 896 and the second leg 898 do not extend continuously along the length of the main body portion 900. Rather, and in one embodiment, one or more first and second leg pairs 896, 898 are provided periodically along the length of the main body portion. Only one first and second leg pair is shown.

It does not appear that Dealey et al., or any other art of record, suggest an elongated member having a cavity for receiving the elongated light source, wherein the cavity is at least partially defined by a first material that is at least partially transparent and extends from the cavity to an outer surface of the elongated member, and wherein the elongated member has one or more integral legs that are adapted to secure the elongated member to a substrate, wherein the one or more integral legs are spaced at intervals along the length of the elongated member. As such, newly presented claim 26 is believed to be in condition for allowance.

Finally, newly presented claim 27 is similar to dependent claim 15 recast in independent

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form, with the one or more legs.... limitation removed. For the same reasons discussed above with respect to claim 15, newly presented claim 27 is believed to be in condition for allowance.

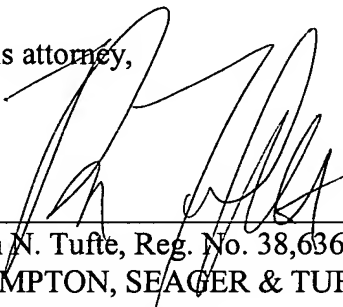
In view of the foregoing, Applicant believes that all pending claims 1 and 3-27 are now in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the undersigned attorney at (612) 573-2002.

Respectfully submitted,

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By his attorney,

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